

R E M A R K S

Applicants have received and carefully reviewed the Office Action mailed on November 9, 2010. Currently, claims 28-33 and 35-48 remain pending. Claims 28-33 and 35-48 have been rejected. Favorable consideration of the following remarks is respectfully requested.

Interview Summary

Applicants would like to thank the Examiner for the courtesies extended during the telephonic interview of December 7, 2010 between the Examiner and Applicants' representative Benjamin J. Nyquist. During the interview, the Examiner confirmed that if a terminal disclaimer is filed to overcome the current double patenting rejection (see below), the claims would be in condition for allowance.

Double Patenting Rejection

Claims 28 and 40 were rejected on the ground of nonstatutory double patenting over claims 1-3 of U.S. Patent No. 6,746,466. While Applicants respectfully disagree, a terminal disclaimer is filed with this Response overcoming this rejection.

Conclusion

Reconsideration of the rejection is respectfully requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

Tracee E.J. Eidenschink et al.

By their Attorney,

Date: December 29, 2010

j. scot wickhem

J. Scot Wickhem, Reg. No. 41,376
SEAGER, TUFTE & WICKHEM, LLC
1221 Nicollet Avenue, Suite 800
Minneapolis, MN 55403-2420
Telephone: (612) 677-9050
Facsimile: (612) 359-9349